



STATE REPRESENTATIVE
Garey Bies
1ST ASSEMBLY DISTRICT
COMMITTEE ON CORRECTIONS AND THE COURTS

**Written Testimony of Representative Garey Bies
Assembly Committee on Criminal Justice
Assembly Bill 523 – Felony Hit and Run**

Good morning committee members, I appreciate the opportunity to submit my testimony in support of Assembly Bill 523, relating to duties upon striking a person or an attended or occupied vehicle and providing a penalty.

This bill is straight forward and came to me at the request of Dane County District Attorney Brian Blanchard. Currently, there is a conflict in the statutes as it relates to hit and run incidents involving injury. Under Chapter 346.74(5)(b) injury hit and run incidents can be ruled, and are ruled as misdemeanors. However, under Chapter 346.74(5)(e) injury hit and run incidents can be charged as felonies. The statutes lack clear direction. Assembly Bill 523 provides that direction by establishing that injury hit and run incidents are felonies.

The question with this legislation is not whether the conflict within Chapter 346 should be resolved, but whether an injury hit and run should be a felony. It is my opinion as a former law enforcement officer that if an individual has such disregard for the welfare of another that they would leave the scene of an accident without checking on the well-being of others and an injury is involved, they should be charged with a felony.

Thank you for the opportunity to come before you today to present Assembly Bill 523. As I mentioned, this bill is pretty simple, so at this time I would be happy to take any questions that you may have.

First for Wisconsin!

Capitol: P.O. 8952, Madison, WI 53708-8952 • (608) 266-5350 • Fax: (608) 282-3601
Toll-Free: (888) 482-0001 • Rep.Bies@legis.state.wi.us

Home: 2590 Settlement Road, Sister Bay, WI 54234 • (920) 854-2811

Assembly Committee hearing re: AB 523
December 5, 2007

I would first like to thank the committee for their time and consideration in supporting Assembly Bill 523. I can speak for my entire family when I say passage of this legislation would be a great benefit to not only law enforcement personnel, and the district attorneys but also to the victims of hit-and-run accidents across Wisconsin.

On the early morning hours of August 10, 2006 I was traveling home after visiting with a friend whom I had not seen in a while. As I was preparing to exit the Interstate 93 my vehicle was struck by an 80,000 pound tractor-trailer traveling 65 mph. While you can imagine the horror of being struck by a semi, I was about to find out the nightmare was about to begin. After being struck my vehicle was drug several hundred feet and across three lanes of traffic. I finally came to rest approximately 36 inches from the concrete barriers near the medium. Left there with no means to warn on coming traffic of my presence so as to avoid another, possibly more fatal accident from occurring.

As luck would have it a vehicle did come upon my accident shortly after and the occupants of that vehicle not only to aid me in escaping my vehicle but they had the presence of mind to set up a means to warn other vehicle of the current situation. By flagging down a motorcyclist the gentlemen utilized its headlights and shown it on the accident to warn other drivers of the pending situation.

About a mile past the accident the semi came to a stop. However, his concern was not for my safety. He stopped to check his fender. A Wisconsin State Trooper came upon his vehicle on the way to the scene of my accident. The truck driver and his passenger were asked if they were involved in an accident. The response they gave him shocks me to this day. He said he did not hit a vehicle and in fact he thought he hit a deer. The trooper continued on to the scene of my accident to try and render aid.

Shortly after arriving on the scene law enforcement determined that it was a semi truck that had caused the accident. They were able to quickly ^{determine} that the vehicle the first trooper came upon was in fact the vehicle they were looking for and sped off in pursuit of the vehicle. Law enforcement did in fact catch up the with individual at a truck stop in Portage nearly 20 minutes away from the scene of the accident. It was by the grace of God that the only Columbia County Deputy available was the K-9 unit. A subsequent open air search of the semi revealed the presence of narcotics, methamphetamines and drug paraphernalia.

While this was going on I was being transported to University of Wisconsin Hospital for treatment where I then spent the next two days recovering. I suffered extensive neck and back injuries as well as a stress fracture in my left leg. I was in a neck

brace for a month and a walking cast for 8 ½ months. I continue to have medical issues and pray that I will be able to recover to enjoy the activities I once did.

While it may seem like this nightmare story is over I would like to have my son, Seán Burke tell you what events followed that night and why passage of AB 523 is so very important.

I would like to finish by saying that there are no words to describe how strongly I support passage of this bill and I urge the Legislature to not only look at this piece of legislation but to look at strengthening the laws surrounding semi safety in the State of Wisconsin. I would like to thank Senators Miller and Taylor, Assemblyman Hahn and Dane County Supervisor O'Loughlin for the assistance in this matter and you, the committee for allowing me to voice my support of this important piece of legislation. Finally, I would like to publicly thank the courageous men and women of law enforcement and the emergency medical services and the Good Samaritans that aided me that evening.

Thank You

